



Attorney's Docket No.: 05110-003004

TC 2700 MAIL ROOM

MAY 23 2000

RECEIVED

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : David J. Boothby

Art Unit : 2771

Serial No. : 09/240,563

Examiner : C. Rones

Filed : January 29, 1999

Title : SYNCHRONIZATION OF DISPARATE DATABASES

Commissioner of Patents  
Washington, D.C. 20231

RESPONSE

This is responsive to the office action mailed February 16, 2000.

The examiner is urged to reconsider and withdraw the double patenting rejection.

Any patent issuing on this application would necessarily, under the statute, expire on January 11, 2015, twenty years from the filing date of the earliest filed application from which priority is claimed. That is the same day on which U.S. Patent No. 5,684,990 will expire.

Accordingly, it is unnecessary and inappropriate to require a terminal disclaimer.

The judicially-created doctrine under which such terminal disclaimers were created was born at a time when all patents expired seventeen years from issue, and thus necessarily a patent issuing on an application still pending would expire later than a patent already issued. That remedy has no bearing today, except in the rare instance of an application still pending that was filed before the GATT transition date.

Accordingly, the examiner is asked to withdraw the rejection, and allow the application.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner of Patents, Washington, D.C. 20231.

May 16, 2000

Date of Deposit

*Maureen Christiano*

Signature

Maureen Christiano

Typed or Printed Name of Person Signing Certificate

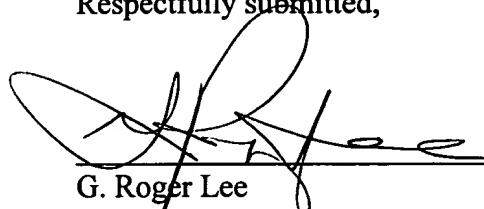
Applicant : David J. Bootin  
Serial No. : 09/240,563  
Filed : January 29, 1999  
Page : 2

Attorney's Docket No.: 05110-003004

Please apply any charges not covered or any credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 5/16/00

  
\_\_\_\_\_  
G. Roger Lee  
Reg. No. 28,963

Fish & Richardson P.C.  
225 Franklin Street  
Boston, MA 02110-2804  
Telephone: (617) 542-5070  
Facsimile: (617) 542-8906

20059969.doc